



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/160365

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 02, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Sheboygan County Department of Human Services in regard to Child Care, a hearing was held on September 25, 2014, at Sheboygan, Wisconsin.

The issue for determination is whether the county agency correctly denied Petitioner's Child Care (CC) assistance in June, July, and August 2014.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue  
Madison, Wisconsin 53703

By: Kris Schmidt

Sheboygan County Department of Human Services  
3620 Wilgus Ave  
Sheboygan, WI 53081

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter

Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Sheboygan County.
2. On June 4, 2014 Petitioner applied for CC assistance. On July 19, 2014 the agency denied Petitioner's application for CC assistance because Petitioner failed to provide verification.
3. On July 15, 2014 Petitioner provided verification.

4. On July 21, 2014 Petitioner called the agency. The agency informed her that she was eligible for CC assistance beginning in July 2014.
5. On July 21, 2014 Petitioner's worker called her and left a voicemail. The voicemails said that the information provided by the call center was a mistake and that she was not eligible for CC assistance for July 2014. The voicemail said that she would have to reapply for CC assistance, and that she could call back the call center.
6. On July 22, 2014 the agency sent Petitioner a notice stating that she was eligible for CC assistance effective July 1, 2014.
7. On July 23, 2014 the agency sent Petitioner a notice stating that her CC assistance eligibility is ending as of August 31, 2014 because Petitioner did not ask for that program.
8. On August 28, Petitioner reapplied for CC assistance.

### DISCUSSION

The purpose of the Wisconsin Shares Child Care Program is to provide child care assistance for working low-income families. *Child Care Manual* § 1.1.1. The Wisconsin Shares Child Care Program is regulated under DCF 201 Administration of Child Care Funds (administrative code) and Wisconsin Statutes s. 49.155 Stats. *Child Care Manual* § 1.1.1.

When an applicant applies for CC assistance, the applicant must provide verification within 7 days of the interview. *Child Care Manual* § 1.3.4. If verification has not been received from the applicant within seven (7) business days, the agency should code the missing verification item as "Not Verified" in Cares Worker Web (CWW) and run eligibility. *Id.* This will generate a Denial Notice alerting the applicant the case is being denied pending the receipt of the missing verification. *Id.* If the verification items, including the Application Summary page, have not been returned by the due date (7 business days from the date of the interview) the agency has discretion to fail eligibility immediately, or may wait until the 30th day. *Child Care Manual* § 1.3.2. However, if on the 30th day from the filing date the verification items have not been returned, the agency should fail eligibility. *Id.*

In this case Petitioner applied for CC assistance on June 4, 2014. The agency conducted a phone interview at that time. The next step was for Petitioner to provide verification and a signature. Petitioner did not provide a signature and verification within 7 days. On June 19, 2014 the agency sent Petitioner a letter saying that she was denied CC assistance beginning June 1, 2014 because she "did not give proof" requested by the agency.

On July 15, 2014 Petitioner provided the proof or verification that the agency had requested. On July 21, 2014 Petitioner spoke to the call center. The call center opened CC assistance for July and told Petitioner that she would be eligible beginning July 2014. On July 21, 2014 the actual case worker called Petitioner and left Petitioner a message stating that it was a mistake and that she was not eligible for CC assistance. She would have to complete a new application. Then on July 22, 2014 the agency sent Petitioner a letter stating that she was eligible for CC assistance beginning July 1, 2014. On July 23, 2014 the agency sent Petitioner a letter stating that CC eligibility is ending August 31, 2014.

The issue is CC assistance for June, July, and August 2014. The agency correctly concluded that Petitioner was not eligible for CC assistance for June 2014. There is no confusion about June. All the information the agency ever provided Petitioner was that she was not eligible for CC assistance for June 2014. In addition, Petitioner did not provide verification until July 2014.

July and August 2014 are less clear. Petitioner provided the verification requested in the letter explaining the June denial. Then she called the call center. The call center told her that she was eligible in July and

opened her case. Perhaps the person working in the call center should have completed some additional forms or coded the case differently. If the call center worker had done that correctly, then Petitioner would have been eligible for CC assistance for July and August 2014. Petitioner meets all the financial requirements for CC assistance. It is extremely confusing for the call center to tell Petitioner she is eligible, then the case worker says she is ineligible because she did not complete a new application, the following day the agency sends her a letter saying that she is eligible. After receiving that letter, Petitioner did not do anything until her CC was not paid for July and August. This was at the end of August. At that time Petitioner completed a new application.

The undersigned ALJ does not know what Petitioner could have done differently with respect to CC assistance for July and August 2014. The first application in June 2014 was completed over the phone. It seems that the call center worker should have completed a new application, used the verification provided six days before Petitioner called the agency, and then opened Petitioner's case for July and August 2014. The call center worker clearly did not complete the correct form. This left everyone confused including the agency. One person from the agency calls and says that she is not eligible, but the very next day the agency sends a letter saying that she is eligible for CC assistance.

In this particular case sustaining the agency's decision to deny Petitioner CC assistance for July and August 2014 would be putting form over substance. The purpose of this program is to provide child care assistance for working low-income families. In July and August Petitioner worked in her approved activity making slightly less than \$10 per hour. She has two children which she had in childcare in July and August 2014. The call center worker talked to Petitioner and opened her case for CC in July 2014. The only thing that the call center worker did not do is to fill out the correct form, a new application for CC assistance, and code the case correctly for the computer system. I further note that assuming Petitioner received the worker's voicemail, Petitioner could not call back the worker directly, but would have to call the center. Petitioner provided all the information and verification necessary for an application for CC assistance. Based upon this very narrow set of facts, I find that Petitioner is eligible for CC assistance for July and August 2014. The information that Petitioner provided was an application. The agency simply failed to recognize that and complete the correct forms.

### **CONCLUSIONS OF LAW**

The agency correctly denied Petitioner CC assistance for June 2014, but incorrectly denied Petitioner CC assistance for July and August 2014.

**THEREFORE, it is**

**ORDERED**

That this case is remanded to the agency to approve CC disbursement for July and August 2014. The agency has 10 days to comply with this decision. This petition with respect to CC assistance for June 2014 is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as

"PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 6th day of October, 2014

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\sCorinne Balter  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 6, 2014.

Sheboygan County Department of Human Services  
Child Care Benefits